



Legislative Department  
Seattle City Council  
Memorandum

**Date:** May 23, 2014

**To:** Councilmember Tom Rasmussen, Chair  
Councilmember Mike O'Brien, Vice Chair  
Councilmember Jean Godden, Member  
Transportation Committee

**From:** Rebecca Herzfeld, Council Central Staff

**Subject:** Amendments to the Pike/Pine Conservation Overlay District

**Background**

For the past five years, the City Council has been working with the Pike/Pine community to amend land use regulations and design guidelines for the Pike/Pine Conservation Overlay District ("District"). A map of the District is on the following page. The intent of the District is to:

- Promote mixed-use development;
- Keep new development compatible and in scale with the neighborhood;
- Encourage small, diverse local businesses;
- Preserve pre-1940 buildings (called "character structures" in the District regulations) that contribute to the character of the neighborhood; and
- Retain and attract arts and cultural uses.

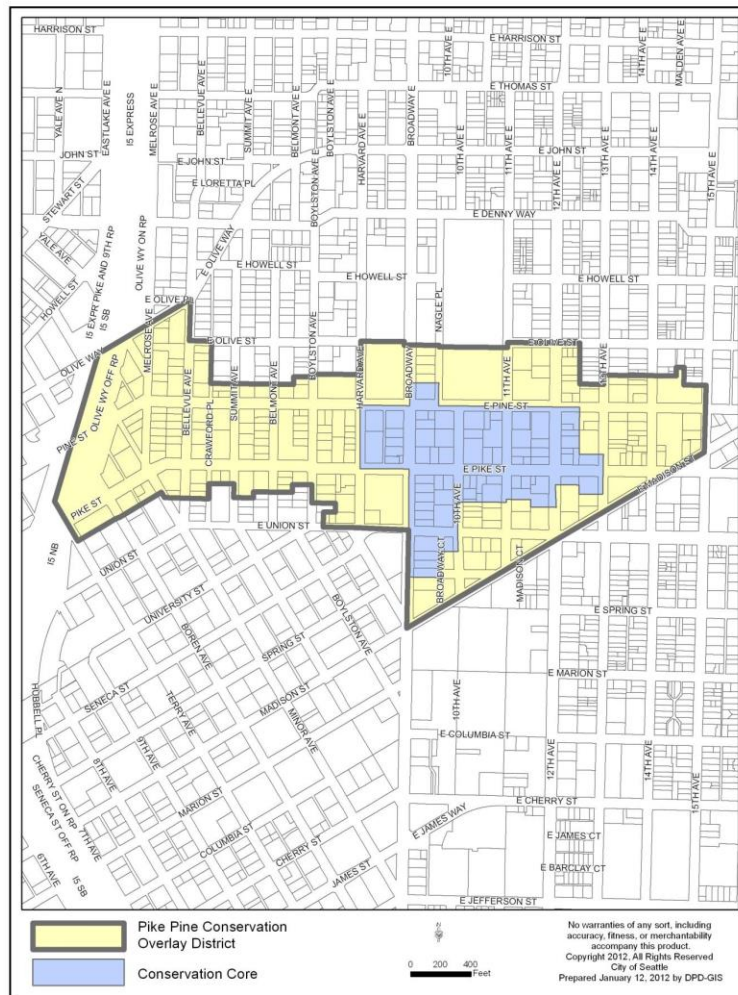
The Council adopted legislation to further these goals in 2009, 2010, and 2011. Councilmembers Tom Rasmussen and Sally Clark are now sponsoring amendments to the District regulations that address concerns raised by the recent development boom in the Pike/Pine neighborhood. Many recent projects are on much larger sites (over 30,000 square feet) than was anticipated in the current regulations. Of the 13 sites developed between 2011 and March 2013, only one (8% of the total) was larger than 21,000 square feet. That project was the 12<sup>th</sup> Avenue Arts building, which reused a 29,000 square foot parking lot and did not result in the demolition of a character structure.

In contrast, of the nine projects that are currently in the permit process or under construction, four (44%) have sites greater than 21,000 square feet in size, and three of those sites are larger than 44,000 square feet. Because of this increase in site size, the proposed buildings are more massive than the older structures in the area. This has raised concerns about whether the new structures are compatible with the scale of the neighborhood. In addition, sites this large generally include more than one character structure, and this has led to questions about how many older structures must be retained in order to earn zoning incentives.

A separate issue raised by the new development is that the balance between residential and commercial uses in this mixed-use area is tipping too far towards housing. Residential

development has far exceeded the 2024 growth target for the neighborhood, leading to neighborhood concerns that the neighborhood does not have enough day-time activity to support local businesses.

### Map of the Pike/Pine Conservation Overlay District



### Summary of the Proposal

On May 23, 2013, the Department of Planning and Development (DPD) proposed amendments to the zoning regulations in the Pike/Pine Conservation Overlay District (District) to address the concerns described above. The intent of the legislation was to protect the area's special character while accommodating growth. The bill focused on the following five objectives to help meet this goal:

1. Address oversized or out of scale development that can occur on exceptionally large lots.
2. Make incentives more effective by requiring all existing pre-1940 buildings (called "character structures" in the regulations) on a lot to be retained if incentives are used.
3. Continue to promote mixed use and residentially-oriented development as intended in original overlay district, but increase opportunities for commercial development to provide a better balance among uses in the area.

4. Allow more sites in the Conservation Core area to take advantage of the transfer of development potential (TDP) provisions.
5. Clarify existing provisions and make technical corrections.

DPD published an environmental (SEPA) Determination of Non-Significance (DNS) for the proposal on June 20, 2013. The DNS was appealed, and since then city staff has worked with neighborhood representatives and the two appellants on the proposed legislation to further respond to public comments. Councilmembers Rasmussen and Clark are now proposing an updated version of the legislation, and the SEPA appeals were withdrawn on May 5, 2014. The Transportation Committee was briefed on the updated proposal at its May 12, 2014 meeting. The presentation materials for that meeting may be found at:

[http://clerk.seattle.gov/~public/meetingrecords/2014/transportation20140512\\_1a.pdf](http://clerk.seattle.gov/~public/meetingrecords/2014/transportation20140512_1a.pdf).

Table 1 summarizes the proposed schedule for the legislation.

**Table 1: Proposed Schedule for Updated Pike/Pine Bill**

<b>Actions</b>	<b>Date</b>
Introduction and referral of updated bill	May 12, 2014
Transportation Committee briefing at evening meeting held on First Hill	May 12, 2014
Public hearing in Transportation Committee	June 10, 2014
Possible Committee vote on legislation	June 10 or 24, 2014
Full Council vote on legislation	June 16 or 30, 2014

### **Description of Proposed Amendments**

#### **1. Address “oversized” or “out of scale” development on exceptionally large lots.**

The proposal would tighten the current controls on the permitted square footage structures above the height of three stories by permitting only one portion of a structure to extend above three stories. Currently, more than one portion may extend above this height, if a 40 foot separation is provided between the taller portions of the new building, and a character structure is retained for each portion. In addition, the floor area of a new building that is built above a retained character structure would no longer be exempt from the limit on floor area above three stories, except in limited cases where the new structure cantilevers above the character structure, and the character structure is retained intact. The only change to the June 2013 proposal is that the bulk controls would go into effect at a height of 39 feet instead of 35 feet if a project qualifies for height exceptions. This would accommodate the height of three commercial floors, which generally have taller floor to ceiling heights than residential buildings.

The proposed changes would not affect development on smaller lots. It would discourage assembly of large sites and lead to less bulky buildings on large lots that are already assembled. To achieve the maximum permitted density, large sites would need to be developed as smaller, separate lots.

#### **2. Require that *all* character structures on a lot to be retained in a new project if incentives are used.**

Today, the number of character structures that need to be retained if incentives are used is tied to the number of portions of a structure that extend above 35 feet—one character structure must be retained for each portion using the height or floor area incentives. The June 2013 proposal would have required that all character structures on the lot be retained if incentives are used,

although a character structure could be torn down if, through the design review process, it was determined that the structure had limited value to neighborhood character. The updated proposal retains this proposed requirement.

An additional amendment in the updated proposal would require that applicants clearly state their plan for retaining, rebuilding, or reconstructing the facades of character structures when they submit plans, so that it is clear how retained character structures will be treated. This addition was requested by DPD's Design Review Board (DRB) staff. A requirement would also be added that proposed changes to the original plans for retaining character structures must be sent to the DRB for review, in addition to the current review by DPD staff. This would provide greater opportunity notice and public comment than the current process.

### **3. Allow more opportunities for commercial development in the District.**

The updated proposal would support economic development goals by allowing more non-residential uses, as requested by Pike/Pine neighborhood representatives. Such commercial uses would increase the daytime employment population in the area, and these employees would help support neighborhood businesses. Allowing more commercial density would contribute to a greater diversity of uses, add to daytime pedestrian activity, and provide opportunities for new commercial projects to retain character structures or provide neighborhood amenities.

The proposal would remove the current 2.0 floor area ratio (FAR) limit on commercial structures in the District, if: 1) there are no character structures on the lot; or 2) all character structures are retained. The FAR limit of the underlying commercial zone would apply (4.25 FAR in most areas). In addition, the following requirements would apply:

- The new structure must comply with the same bulk controls that apply to residential uses.
- No increases in floor area above the FAR limit of the underlying zone would be allowed for commercial uses, except for the existing floor area exemptions such as those for theaters and arts facilities, and a new exemption for retaining an entire character structure on the lot.
- The 10-foot height incentive for retaining character structures could not be used for nonresidential uses, unless a departure for the added height is granted through the design review process because the proposed project would promote exceptional conservation efforts or special neighborhood amenities on site. No increase in nonresidential FAR would be allowed if the departure for added height is approved.

Staff estimates that the increase in capacity for commercial development is roughly equivalent to three additional commercial-only projects built to the maximum bulk and FAR limits.

### **4. Allow sites in the Conservation Core to use transfer of development potential (TDP) for added height, if rights are purchased from another site also located in the Core area.**

The June 2013 proposal did not permit lots within the Conservation Core area to use the TDP program to gain 10 feet in height by purchasing development potential from other character structures. The updated proposal would allow such transfers, if the transfer is from a sending site that is also located in the Conservation Core. This provides more opportunities for using TDP while continuing to limit the overall scale of development in the Core.

In addition, language is proposed to clarify what can be done with character structure on TDP sending sites. The Code already states that these character structures must be brought up to

applicable code standards and maintained in that condition. The proposed amendment would state that they would need to be kept that way for the life of the new structure on the receiving site. Provisions allowing limited additions and modifications are also proposed, to help provide flexibility to reuse the character structure.

**Committee decision on proposed legislation:**